

UNITED STATES DISTRICT COURT

for the

District of Massachusetts

TABOTH PGNM MOPECNA

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Panera Bread Co

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No. _____

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☐ Yes ☐ No

FILED
IN CLERK'S OFFICE
2018 MAR 16 PM 4:47
U.S. DISTRICT COURT
DISTRICT OF MASS.

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

TABOTH MOPECNA

Street Address

25 dorchester ave

City and County

Boston, Suffolk

State and Zip Code

MA 02118

Telephone Number

480-612-4244

E-mail Address

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 1 (Rev. 09/16) Complaint for a Civil Case

Defendant No. 1

Name

Panera Bread CO

Job or Title *(if known)*

Street Address

6710 Clayton Road

City and County

Richmon Height,

State and Zip Code

MO, 63117

Telephone Number

E-mail Address *(if known)*

Defendant No. 2

Name

Boston Police department

Job or Title *(if known)*

Street Address

1 Schroeder Plaza

City and County

Roxbury, Suffolk

State and Zip Code

MA, 02118

Telephone Number

E-mail Address *(if known)*

Defendant No. 3

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

Defendant No. 4

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☐ Federal question

☒ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* TABOTH KROPECNA, is a citizen of the
State of *(name)* Arizona.

b. If the plaintiff is a corporation

The plaintiff, *(name)* Pentara bread CO, is incorporated
under the laws of the State of *(name)* _____,
and has its principal place of business in the State of *(name)* Missouri.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of
the State of *(name)* _____. Or is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) Parker bread CO, is incorporated under the laws of the State of (name) Missouri, and has its principal place of business in the State of (name) Massachusetts.
Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

450,000
The amount in controversy-the amount the plaintiff claims the defendant owes or the amount at stake-is more than \$75,000, not counting interest and costs of court, because (explain):
Due to slander, defamation and emotional stress.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

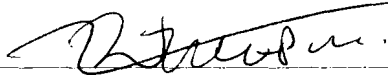
A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 03/16/2018

Signature of Plaintiff

Printed Name of Plaintiff


TABAH MOPECHA

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

Taboh Penn-Mopecha

Petitioners/Plaintiffs,

Case No. _____

v.

Panera Bread Company, Boston Police Department, John Doe 1-2

Respondents/Defendants.

COMPLAINT FOR PUNITIVE AND INJUNCTIVE, EXEMPLARY RELIEF

INTRODUCTION

On March 8, 2018 as i made use of the restroom and internet at panera bread. I drew the erie of the staff as i had been seated for much longer than other customer. When i left i realized i had misplaced my wallet as i returned i was gracious as the staff returned my wallet. He only asked that i show him my license to which i happily complied. It was at this point i couldn't not find my wallet and as the staff kept insisting that i have my license and i leave i question if he had removed my license from my wallet. At time his response was to call the boston police and upon their arrival claim i had been selling and doing drugs in the bathroom, To which Boston Police officer were more concerned and refused to aid me return my wallet. And chose to harass and threaten me as oppose to returning my items.

JURISDICTION AND VENUE

1. Jurisdiction is proper
2. Venue is proper

PARTIES

3. Taboh Mopecha is an adult male citizen of Cameroon currently residing in Mesa, Arizona
4. Panera Bread Company is a copperatin of United States of America currently incorporated in St. Louis. MO
5. Boston Police Department is an government entity of United States of America currently incorporated in Boston, Ma
6. John Doe 1-2 are adult male citizen of United States of America currently residing in Boston, Massachusett

STATEMENT OF FACTS

Seated at Panera

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7. On March 8, 2018 I was seated at Panera Bread located on Boylston Street in Boston. Though I had already eaten. I was making use of the wireless internet provided, charging my phone as well as using the restaurant as shelter from the oncoming rain.

8. At some point during my stay I was approached by John Doe 1, who was dressed in a navy shirt signaling some sort of management position, he asked if I was waiting for an order to which I replied no. Though he was polite I could easily tell I was being asked to leave.

9. Before I left I decided to make use of the bathroom facility. While seated on the toilet I overheard someone loudly complaining about his job. And referring to drug use in the area at first I was quite as I expected the phone call or use of the urinal to be brief. But as the conversation continued I politely told the man to please be quiet as I was having trouble using the bathroom. As I exited the stall to my surprise it was an employee who was not only not using the bathroom but holding the door open. I again asked the he either leave the restroom or close the door as I was making use of the bathroom. All to which I was largely ignored and continued with his conversation about how there are too many "crackheads" on Copley and how he would be at work until midnight tonight. This would be John Doe 2 the supposed finder of my wallet

10. At this point I realized I would not be allowed to stay much longer I hurried to Wendy's. As not only was there menu much more to my liking and price range. But I could as make use of the wireless internet and charge my phone without much interruption.

Return Of my Wallet

11. As I arrived to order my meal at Wendy's it was at this point I realized my wallet was missing. Immediately rushed toward anywhere I had previously visited, with Panera becoming my last stop.

12. As I arrived at Panera immediately begun searching the area I had been seated. Followed by the restroom when either provided nothing. I asked the staff if anyone had returned a wallet. It was at this point that John Doe 1 came out and I once again asked if anyone had returned a wallet. To my surprise he asked me to "prove you lost a wallet" taken aback I asked how would I as I had just lost my wallet. Annoyed and in a hurry I asked that he not waste my time if he did not have my wallet as there were other facilities I had visited where I may have misplaced my wallet.

13. It was at this point John Doe said "we have your wallet" and promptly returned my wallet to me. When he did he asked if I had a license, happy I had just found my wallet I politely told him yes and begun searching through my wallet for my driver's license. As I did I was having trouble finding it though I had many picture IDs as I passed them John Doe 1 took a look and said that's a picture ID you can go. I refused as he had just mentioned my license and I was having a difficult time finding it I should search to make sure it was in my possession.

14. As I continued to search my wallet I passed my green card to which once again John Doe 1

said there it is and i again told him no that is not my license. At this point i realised that the only item missing from my license was my driver license. And that due to that fact that is was from arizona, John doe 1-2 had been through my wallet and suspected that i had a false driver license and had removed it from my wallet. I turn to John Doe 1 and as quietly as i could told that the Arizona license was not false and that i was in need of that if he could return it to me i would appreciate it.

15. In a loud voice John Doe 1 Claim to have never search through my wallet as it against their Policy and acted offended. And exclaimed are you calling me a thief, as i tried to once again reason with him. It but a second later he threaten to call the police and begun dialing the number.

Arrival

16. As i stood there dumbfounded as how a few minutes prior i had been graciously been helped by John Doe 1 but now i was being told to leave or face arrest. As i stood there i could not think what i had done wrong by making sure i had all my items. When he in fact had reminded me and when i was unable to find my license i searched my body and backpack befor politely asking if he had maybe misplaced it while in his possession.

17. As i stood there embarrassing and drawing the attention of unlooker i choose to stand outside and perhaps flagg an officer as they were everywhere but seem to be taking quite some time to arrive.

18. As i stood i noticed an officer enter the restaurant and when he exited i kindly told him that i was the one they had called about. I quickly told him that what had transpired and that if he could please reason with John Doe. That i understood that he believed that my out of state license was fraudulent but it was not. And if they truly believed it was they should hand it to the officer and let him determine if it was and return it to me. The officer entered the restaurant once more and when he returned he told me he had searched the bathroom and stall and could not find my id. And that i should leave before i am arrested.

19. I asked for what as there is not need to search the bathroom as i have my wallet and it was provided by john doe 1. And at this point several other officers arrived dressed in yellow. I tried to plead my case to this officer and they all once again entered the restaurant and exited. When they did they begun telling me to stop yelling and to listen and not to draw attention to myself. I was dazed as i had not idea what they were speaking of i tried to calm down and listen but as i did nothing they said made sense. At some point they mention i should forget about my nevada id to which i replied i'm from arizona. Obviously at some point someone had seen my license and was not returning it to me.

20. This is when they begun insinuating that John Doe 2 claimed to have seen me dealing drug in the bathroom. And had ran me off which is when i forgot my wallet. They begun questioning me as to what i was doing in the restaurant. Insulting me and telling me to grown up and to stop

bothering the employee of the panera or face arrest.

21. I told them i was not only homeless but in need of that licence tomorrow to begin a new job. But i could not get any sympathy . It took everything in my power to listen to these officer lie right to my face and refuse to aid me. And once they began entering their vehicle they told me to go back to the shelter or get a massachusetts license or order a duplicate from arizona. i couldn't help but say they are everything that wrong with world. If i had tried to forcefully take my license i would be headed for arrest but here i am asking the police to resolve the issue but unfortunately i am black and that's the uniform the criminals where. This is why i am making use of the court system today.

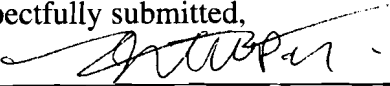
PRAYER FOR RELIEF

WHEREFORE, Petitioners/Plaintiffs pray that this Court grant the following relief:

- (1) Issue an Order barring defendants from further spreading any slander or pursuing any criminal charges against the plaintiff further or face Injunctive relief
- (2) Issue an Order for punitive relief in the amount of 250,000 for the damages caused by defendants actions
- (3) Award Petitioner/Plaintiffs reasonable costs and attorneys' fees;
- (4) Award exemplary relief in the amount of 200,000 for damages caused by defendant actions
- (6) Grant any other and further relief that this Court may deem fit and proper.

DATED: March 9, 2018

Respectfully submitted,


_____ Taboh Mopecha